

UNITED STATES DISTRICT COURT

for the

Northern District of California

FILED

Apr 05 2021

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

United States of America

v.

MIN JIN ZHAO,
a/k/a Michael Zhao
a/k/a Michael West

Case No.3:21-mj-70571 MAG

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 12, 2021 in the county of San Mateo in the
Northern District of California, the defendant(s) violated:*Code Section*

18 U.S.C. § 1343

Offense Description

Wire Fraud

Maximum Penalties:

20 years' imprisonment; \$250,000 fine; 3 years of supervised release;
\$100 special assessment; restitution; forfeiture

This criminal complaint is based on these facts:

See attached affidavit of FBI Special Agent Alexandra Bryant

☒ Continued on the attached sheet.

/s/

Approved as to form


AUSA Mohit Gourisaria*Complainant's signature*

Alexandra Bryant, FBI Special Agent

Printed name and title

Sworn to before me by telephone.

Date: April 5, 2021City and state: San Francisco, California*Judge's signature*

Hon. Jacqueline Scott Corley, Magistrate Judge

Printed name and title

**AFFIDAVIT OF SPECIAL AGENT ALEXANDRA BRYANT IN SUPPORT OF
CRIMINAL COMPLAINT**

I, Alexandra Bryant, a Special Agent of the Federal Bureau of Investigation, being duly sworn, hereby declare as follows:

OVERVIEW AND AGENT BACKGROUND

1. I make this affidavit in support of a one count Criminal Complaint against MIN JIN ZHAO, aka Michael Zhao and Michael West (hereinafter ZHAO). For the reasons set forth below, there is probable cause to believe ZHAO has committed Wire Fraud for providing false information regarding a movie production investment from at least February 2021 to March 2021, in order to secure a \$300,000 investment from an individual in California, in violation of 18 U.S.C. § 1343.

2. The statements contained in this affidavit come from my personal observations, my training and experience, information from records and databases, and information obtained from other agents and witnesses. This affidavit summarizes such information in order to show that there is probable cause to believe that ZHAO has committed wire fraud. This affidavit does not purport to set forth all of my knowledge about this matter, or to name all of the persons who participated in these crimes.

3. I am a Special Agent of the Federal Bureau of Investigation ("FBI") and have been so employed for approximately four years. I am currently assigned to a Complex Financial Crime Squad of FBI's San Francisco Field Division. As part of my assigned duties, I investigate possible violations of federal criminal law, specifically investigations involving white collar crime.

APPLICABLE LAW

4. Title 18, U.S.C. § 1343 prohibits wire fraud. The essential elements of this offense are: 1) the defendant knowingly participated in, devised or intended to devise a scheme or plan to defraud, or a scheme or plan for obtaining money or property by means of false or

fraudulent pretenses, representations, or promises; 2) the statements made or facts omitted as part of the scheme were material, that is they had a natural tendency to influence, or were capable of influencing, a person to part with money or property; 3) the defendant acted with the intent to defraud, that is, the intent to deceive or cheat; and 4) the defendant used, or caused to be used, a wire communication to carry out, or attempt to carry out an essential part of the scheme. See Ninth Circuit Instruction 8.124.

FACTS SUPPORTING PROBABLE CAUSE

ZHAO PRIOR INDICTMENT

5. On May 9, 2019, a federal grand jury in this district returned an indictment charging Min Jin ZHAO (“ZHAO”) with three counts of wire fraud in violation of Title 18, United States Code, Section 1343; two counts of mail fraud in violation of Title 18, United States Code, Section 1341; and one count of money laundering in violation of Title 18, United States Code, Section 1957. The May 9, 2019 indictment, associated with criminal case number 19-0222-JD, involved a scheme by ZHAO, a real estate agent, to defraud his clients out of down payments meant for the purchase of homes in the Northern District of California. It is alleged in the indictment that ZHAO misrepresented to prospective home buyers that his company, Portfolio Consulting, offered a loan program that would enable prospective home buyers to procure financing to make all-cash offers on real property. ZHAO told his victims that as part of the loan program, they had to wire or deposit approximately ten to twenty percent of the sale price from the property they sought to purchase to Portfolio Consulting. After victims sent the funds, ZHAO spent the funds on personal purchases or transferred funds to another bank account. ZHAO did not use the funds to help the victims purchase property.

6. In that criminal case, ZHAO claimed that he was incompetent to stand trial due to his depression, and the Court has set a competency hearing status for April 14, 2021.

7. One of the conditions of defendant's pretrial release in that case is that he "shall not commit any federal, state, or local crime." See Dkt 5.

EVIDENCE INDICATES THAT ZHAO HAS ENGAGED IN A NEW FRAUD SCHEME

8. Evidence indicates that ZHAO continues, while on release, to engage in a different fraud scheme in which he claims to be a movie executive that works with companies like Sony and Disney, pitches an investment in an upcoming movie to prospective investors, and then appropriates the investment funds.

9. In March 2021, D.R., an individual residing in Hillsborough, CA, reached out to the FBI San Francisco office regarding an investment his girlfriend, X.W., had recently made with ZHAO.¹ X.W. currently resides in Daly City, CA, in the Northern District of California.

10. The FBI interviewed X.W. and learnt that she had met ZHAO at the Marin Music Festival in approximately 2018. ZHAO told X.W. that he was the controller of the international department at Sony. In 2021, ZHAO reached out to X.W. to let her know about an investment opportunity. ZHAO told X.W. that if she invested \$500,000 with Big Block Consulting, Inc ("BBC"), ZHAO's alleged investment vehicle, she would be an executive producer on BBC's movie projects and receive two percent of BBC's earnings. ZHAO also offered X.W. a job in the movie production business.

11. On February 8, 2021, an individual purporting to be "Jean Johnson" from BBC emailed X.W. a movie investment contract for her to review. X.W. did not speak English well, so ZHAO also provided a Mandarin translation of the contract. X.W. provided a copy of the English version of the contract to the FBI. The contract was a "Film Financing Agreement" between BBC and X.W. The agreement stated in part that "BBC has been established to produce, own

¹ D.R. was charged and pleaded guilty in this district in September 2013 to two counts of Bid Rigging (Title 15, United States Code, Section 1) and to two counts of Conspiracy to Commit Mail Fraud (Title 18, United States Code, Section 1349).

and exploit Motion Pictures in 2021 based on the scripts written by award winning script writers (the “Project”), and the Investors desire to invest in and share in the profits of the Projects.”

12. The contract also stated that X.W. “hereby agrees to loan the amount of Five Hundreds Thousands (\$500,000.00) (the “Loan”). Upon receipt of such funds, BBC promises to pay [X.W.] the principal amount of such Loan, with interest on such amount until paid, at the rate set forth below and payable pursuant to terms and conditions contained herein”. The interest rate stated in the agreement was six percent per annum.

13. After talking to ZHAO multiple times, X.W. ultimately entered into the agreement. X.W. did not have \$500,000 so she asked her sister to wire \$300,000 to X.W.’s Citibank account ending 9799. On February 12, 2021, X.W. wired \$300,000 from her Citibank account ending 9799 to an account at Bank of America ending in 0293, held in the name Big Block Consulting, Inc. X.W. had received the wiring instructions from Big Block Consulting and subsequently received an email from “Jean Johnson” on February 12, 2021 confirming the wire transfer. X.W. provided the FBI her Citibank statement for February 2021 for account ending 9799. On February 12, 2021 there is an outgoing domestic wire transfer for \$300,000 to the BBC account at Bank of America. Based on my training and experience, I believe this domestic wire transfer represents an interstate wire because it was made between two separate banks that typically use interstate wire processing systems, *e.g.*, Fedwire, to clear such transactions.

14. In approximately March 2021, D.R. traveled with X.W. to meet ZHAO at the Waldorf Astoria in Los Angeles. ZHAO attended a dinner with X.W., D.R., and others. ZHAO told D.R. that ZHAO’s investors made great returns, that his investors typically roll over their investment to the next movie, and that his investors made anywhere from a 20-26% return on their investments. D.R., X.W., and the group became suspicious of ZHAO after discussing the investment opportunity with ZHAO, and when ZHAO claimed he did not have his driver’s license after the group requested everyone display their driver’s licenses for security purposes at

an exclusive party following the dinner. D.R. learned about X.W.'s investment after this Los Angeles trip and became concerned that ZHAO was a "conman." ZHAO was willing to speak and meet with D.R. after the dinner because ZHAO was still expecting X.W. to send the additional \$200,000 of her \$500,000 investment.

15. D.R. and X.W. provided photos to the FBI from the dinner with ZHAO in Los Angeles. Based on a review of the photos I believe the ZHAO that is pictured in these photos is the same ZHAO that was previously indicted.



March 2021 – ZHAO (left) with X.W. (right) at the Waldorf Astoria in Los Angeles



Photo of ZHAO from DMV Records

16. On March 19, 2021 the FBI consensually recorded a call between ZHAO, X.W., and D.R. X.W. called ZHAO at phone number ending in 3101, which is the same cell phone number ZHAO used with the victims in his real-estate scheme for which he was previously indicted. It is also the same cell phone number identified for ZHAO in his pretrial release form in the pending 19-222 criminal matter against him. Database records also indicate this is an active AT&T wireless number registered to an individual named MIN ZHAO. During the call, D.R. asked ZHAO for details about the movie investment, specifically about investing in the next Spiderman film. ZHAO claimed that Sony owned 55 percent of the next Spiderman film, and if D.R. was really interested in this specific film, then ZHAO would work on trying to cut D.R. into the film's production. ZHAO offered at the end of the call to send a contract to D.R.

17. Though ZHAO utilizes a Mandarin translator for his court appearances in the 19-222 criminal matter, ZHAO spoke clear and fluent English with D.R. on the recorded call.

18. Based on my training and experience, I do not believe that ZHAO is a movie executive. Based on public source records, the next Spiderman film is being produced by Pascal Pictures, Marvel Studios, and Columbia Pictures; ZHAO has never been affiliated with any of these entities. ZHAO also did not disclose that he was federally indicted for fraud to X.W. and D.R. Finally, ZHAO executed and attempted to execute this scheme using telecommunications and wires. Accordingly, there is probable cause to believe that ZHAO, having devised or intending to devise a scheme or artifice to defraud, or to obtain money by false or fraudulent pretenses, representations, or promises, caused communications to be transmitted by means of wire, radio, and/or television communication in interstate commerce for purposes of executing the scheme or artifice.

19. On March 30, 2021, a search and seizure warrant for all funds, up to \$300,000, held in the Bank of America ending in 0293 for Big Block Consulting, Inc was issued in the Northern District of California.

CONCLUSION

20. Based on the foregoing, it is my opinion that there is probable cause to believe that Min Jin ZHAO committed Wire Fraud in violation of 18 U.S.C. § 1343. Accordingly, I respectfully request that a warrant for the arrest of ZHAO be issued.

REQUEST FOR SEALING

21. I respectfully request that the Court issue an order sealing, until further order of the Court, the Criminal Complaint and all papers submitted in support of this Criminal Complaint, including this affidavit. I believe that sealing is necessary in order to effectuate the orderly arrest of ZHAO and in order to guard against flight and destruction of evidence.

I declare under penalty of perjury that the above is true and correct to the best of my knowledge.

/s/

ALEXANDRA E. BRYANT
Special Agent
Federal Bureau of Investigation

Sworn to before me over the telephone and signed by me pursuant to Fed.R.Crim.P 4.1 and 4(d)
on this 5th day of April 2021.



HON. JACQUELINE SCOTT CORLEY
United States Magistrate Judge